REMARKS

Claims 1-29 are pending in the present application. Applicants have amended Claims 7, 20 and 29 herewith. Reconsideration of the claims is respectfully requested.

I. Oath/Declaration

The Examiner states the oath/declaration is defective. In a follow-up phone call with the Examiner, Applicants' attorney confirmed with the Examiner that the oath/declaration is not defective, and that this objection to the oath/declaration can be ignored.

II. 35 U.S.C. § 102, Anticipation

The Examiner rejected Claims 1-5, 15-18 and 28 under 35 U.S.C. § 102 as being anticipated by Humes US Patent No. 6,539,430. This rejection is respectfully traversed.

For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Applicants will now show that every element of the claimed invention is not identically shown in the cited Humes reference, and thus the cited Humes reference does not anticipate Claims 1-5, 15-18 and 28.

With respect to Claim 1, such claim recites steps of (i) calculating a score for *each of the first plurality of documents* based on the point values and the results of the comparison; (ii) calculating an first *average of the scores for the first plurality of documents*; and (iii) blocking access to the source *if the first average score* exceeds a threshold. As can be seen, each of a plurality of documents has a score calculated for it (based on the point values and the results of the comparison). An average of the scores for these plurality of documents is calculated, and access to the source is blocked if the average score of the plurality of documents exceeds a threshold. In contrast, the cited Humes reference teaches a filtering determination based upon a single web page. This can be seen throughout the teachings of Humes. For example, in the Humes' abstract, it states:

> According to the method, **if the web page** requested by the user contains only a minimum of objectionable or target data, the user may receive a portion of the filtered web page for downloading and viewing on his or her computer. **If the web page** requested contains a large amount of objectionable or target data, the invention will cause a "forbidden" page to be displayed on the user's computer monitor.

In the description of the problem being solved by Humes, it is stated at Col. 2, lines 27-33:

> A further drawback to the above-described access control systems is that they are simple admit/deny systems. That is, the user is either allowed to download and view the entire **web page** or he/she is forbidden from doing so. It is not practical, using either of these methods, to allow a particular user to download and view only the portions of the **web page** which are not objectionable.

In order to solve the above described problem, Humes teaches a system whereby if a requested web page contains only a minimal amount of objectionable material, the user receives a portion of a filtered web page, and if the web page requested contains a large amount of objectionable material, a "forbidden" page is displayed in lieu of the requested web page. This is described by Humes at Col. 2, line 66 – Col. 3, line 5 where it states:

> According to the method, if the **web page** requested by the user contains only a minimum of objectionable or target data, the user receives a portion of the filtered **web page** for downloading and viewing on his or her computer. While, if the **web page** requested contains a large amount of objectionable material, the invention will cause a "forbidden" page to be displayed on the user's computer monitor.

As can clearly be seen, the Humes' decision on whether/what to filter is based on data content of a single web page. There is no notion of (i) using a plurality of documents as a part of the filtering determination, as claimed, or (ii) the averaging of scores for such plurality of documents to generate an average of the scores which is used with a threshold to determine whether to block access to the source, as claimed.

The details of how the single web page is filtered according to Hume are described at Col. 4, lines 1-25, where it states:

> Advantageously, each word in the dictionary has a number of variables associated with it, such as: 1) a variable that indicates whether the word, if found, should be replaced with the innocuous filler (or a specific replacement filler word may be indicated); 2) a variable that indicates what category of objectionableness the word belongs to (i.e., pornography, intolerance, crime, job hunting, etc.); 3) a variable that indicates what language the word is a part of (i.e., english, french, spanish, etc.); 4) a base score variable that indicates how objectionable the word is; and 5) a bonus score variable that indicates whether the word is more objectionable when used in combination with other objectionable words. In this advantageous embodiment, the method provides for filtering the body of the web page by comparing each word in the web page with the words in the dictionary. If a word in the web page matches, then that word will either be replaced or not replaced with the filler, as indicated by the variable. **A running score is determined for the entire web page (or block), based on a particular algorithm, as the page is being filtered.** If the final score for the page or block of text is above a predetermined threshold score, a "FORBIDDEN" message is forwarded to the user's computer instead. Thus, a user may see a portion of a requested web page followed by a message indicating that the next block of text is "FORBIDDEN."

This "running score" of a single web page does not teach or otherwise suggest (i) calculating a score for *each of the first plurality of documents* based on the point values and the results of the comparison; (ii) calculating an first *average of the scores for the first plurality of documents*; and (iii) blocking access to the source *if the first average score* exceeds a threshold, as expressly recited in Claim 1. As every element of Claim 1 is not identically shown in a single reference, it is shown that Claim 1 has been erroneously rejected as being anticipated by the cited Humes reference.

Applicants initially traverse the rejection of dependent Claims 2-5 for reasons given above regarding Claim 1 (of which Claims 2-5 depend upon).

Further with respect to Claim 3, such claim further defines the claimed "blocking" step, and states that as a part of such blocking, a known-block rule is entered in a rules table. In rejecting Claim 3, the Examiner cites Humes column 3, lines 20-33 and column 6, lines 40-50 as teaching this claimed feature. Applicants urge that the passage cited at Humes column 3 merely describes 'comparing' a URL to an "allowed list" and a "denied list". If the requested URL is found in a forbidden list, *a message is transmitted* to the user's computer indicating that access to the web page is forbidden. Applicants urge that transmitting a message does not teach or otherwise suggest "entering a known-block rule

in a rules table", as expressly cited in Claim 3 as being a part of the "blocking access" step. Nor does the cited Humes' passage at column 6 overcome such teaching deficiency. There, Humes states:

> If the URL is in the Local-Allow list, the Filter variable is set to "Off" in block 316 and a "No" is returned in terminal block 318. If the URL is not in the Local-Allow list, decision block 320 checks to see if the URL is in the Deny List. The Deny List is a listing of URLs associated with web pages which have been predetermined to be objectionable. If the URL is in this list, terminal block 322 returns a "Yes." This Deny List feature is advantageous inter alia for designating web pages which may contain objectionable material other than text which may be filtered, such as objectionable pictures.

As can be seen, there is no mention or teaching of any type of *rule entry in a rules table* as part of a block or deny determination. Rather, a "Yes" is returned by terminal block 322. Thus, Claim 3 is further shown to not be anticipated by the cited reference, as every claimed element is not identically shown in a single reference.

Further with respect to Claim 4, such claim recites "entering a known-safe rule in a rules table if the first average score does not exceed the threshold, the known-safe rule indicating that access to the source is to be permitted". As can be seen, the calculated first average score for the plurality of documents is used to determine whether to enter a known-safe rule in a rules table. Applicants initially show that the claimed first average score for a plurality of documents is not taught by the cited reference, as described above with respect to Claim 1, and hence there is no teaching of using such missing average score in determining whether to insert a rule in a rules table, as claimed. In addition, the cited reference does not teach *conditional insertion of a rule in a rules table*, as expressly recited in Claim 4. In rejecting Claim 4, the Examiner cites Humes' column 3, lines 20-33 and column 6, lines 30-39 as teaching this claimed step. Applicants urge that neither of these passages teach or suggest conditionally entering a rule in a rules table. The passages cited at Humes column 3 and 6 describe a 'comparing' (and not an insertion) operation. Thus, Claim 4 is further shown to have been erroneously rejected under 35 USC 102 as every element of the claimed invention is not identically shown in a single reference.

Further with respect to Claim 5, such claim recites several steps being performed *if* the first average score does not exceed a threshold, the first average score being an average of the scores of the first plurality of documents. Applicants initially show that the claimed first average score for a plurality of documents is not taught by the cited reference, as described above with respect to Claim 1, and hence there is no teaching of using such missing first average score in determining whether to perform the remaining steps listing in Claim 5. Further, and in similar fashion to that described above with respect to the missing first average calculation, there is no teaching of calculating a second average of the scores for a second plurality of received documents, and using this second average to determine whether to block access to the source of the second plurality of documents. In rejecting Claim 5, the Examiner cites Humes column 3, lines 6-19; column 5, lines 14-30; column 6, lines 51-64; column 7, lines 66-67; and column 8, lines 1-5 as teaching the claimed calculating of a second average and blocking based on this calculated second average. Applicants have reviewed such cited passages extensively, and can find no teaching a this claimed "double-thresholding" technique of Claim 5, wherein if a first average score does not exceed a threshold, a second average score is calculated and used as a (second) threshold for determining whether to block access to the source of the second documents (the scores for these second document being used to calculate this second average value). Thus, Claim 5 is further shown to have been erroneously rejected under 35 USC 102 as every element of the claimed invention is not identically shown in a single reference.

With respect to Claim 15 (and dependent Claims 16-18), Applicants initially traverse for similar reasons to those given above with respect to Claim 1.

Further with respect to Claim 17, Applicants traverse for further reasons given above with respect to Claim 3.

Further with respect to Claim 18, Applicants traverse for further reasons given above with respect to Claim 4.

With respect to Claim 28, Applicants traverse for similar reasons to those given above with respect to Claim 1.

Therefore, the rejection of Claims 1-5, 15-18 and 28 under 35 U.S.C. § 102 has been overcome.

III. 35 U.S.C. § 103, Obviousness

The Examiner rejected Claims 6-14, 19-27 and 29 under 35 U.S.C. § 103 as being unpatentable over Humes US Patent No. 6,539,430 in view of Thomas US Patent No. 6,401,118. This rejection is respectfully traversed.

Applicants traverse the rejection of Claims 6 and 19 for similar reasons to those given above regarding the missing claimed steps pertaining to Claim 1, and show that the cited Thomas reference does not overcome such deficiency in teaching that was described above with respect to Claim 1 and the cited Humes reference.

With respect to Claim 7, such claim recites "calculating an average score over the decision interval *if the decision interval has been reached for the source*". In rejecting Claim 7, the Examiner states:

> "As per claims 7, 20 and 29 Humes discloses a method, apparatus and computer program product for filtering, comprising:
> ...
> calculating *an average score* over the decision interval *if the decision interval has been reached for the source* (calculating an average; column 8, lines 4-19)" (emphasis added by Applicants)

Applicants urge that this cited Humes passage does not teach or suggest the claimed step of conditionally calculating an average score over the decision interval *if* the decision interval has been reached for the source, as alleged by the Examiner. Such cited passage at Humes column 8 is reproduced below:

> In a preferred embodiment, if a word in a chain is not found in the dictionary for the indicated category, the accumulated bonus score for the chain is decreased by 5 points (possibly becoming negative), which is essentially a way to reflect less proximity in the chain. After individual words in the chain are scored, the chain is checked for phrases. If found, the base score of the phrase is added to the chain score.
>
> The base score and bonus score of the chain are combined as follows: if none of the words or phrases in the chain were found to be listed in any of the selected categories, the chain is described as "not having content." That is, while the chain consisted of known words and

> phrases, those words or phrases did not describe any of the subject matter that was selected. In such a case, the chain would have a score of zero.

As can be seen, this passage describes adding to or subtracting from an accumulated bonus score. This passage does not teach any type of average calculation, as claimed. In addition, the adding/subtracting is not conditioned upon whether or not a decision interval has been reached for the source. Claim 7 expressly recites "calculating an *average score* over the decision interval *if the decision interval has been reached for the source*". Thus, contrary to the Examiner's assertion, this claimed step is not taught by the passage cited at Humes column 8, lines 4-19. Therefore, a prima facie case of obviousness has not been made with respect to Claim 7[1], and thus the burden has not shifted to Applicants to rebut such an obviousness assertion[2].

Applicants initially traverse the rejection of dependent Claims 8-14 for reasons given above with respect to Claim 7 (of which Claims 8-14 depend upon).

Applicants further traverse the rejection of Claim 9 by showing that none of the cited references teach a conditional average score calculation, where the condition used to determine whether to perform such average calculation is based upon a length of time. In rejecting Claim 9, the Examiner cites Thomas column 9, lines 1-6 as teaching that the decision interval is a length of time. Applicants urge that this cited passage has nothing whatsoever to do with calculating an average score over a decision interval, where the decision interval is a length of time, or conditionally basing such average calculation upon such length of time decision interval. Rather, this passage merely describes a "re-try" operation if a site server is not currently responding. Such a retry operation does not teach or otherwise suggest "calculating an average score over the decision interval if the decision interval has been reached for the source", "wherein the decision interval is a

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[1] In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. *See also, In re Royka*, 490 F.2d 580 (C.C.P.A. 1974).

[2] Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. *In re Oetiker, supra.*

length of time". Thus, Claim 9 is further shown to not be obvious in view of the cited references.

Further with respect to Claim 10, Applicants show that none of the cited references teach or suggest "calculating an average score over the decision interval if the decision interval has been reached for the source", "wherein the decision interval is a number of documents". In rejecting Claim 10, the Examiner states that the decision interval being a number of documents is taught by Thomas column 7, lines 55-67 and column 8, lines 18-34. Applicants show that these cited passages merely describe "crawling" through a plurality of directories, but such crawling is not for purposes of calculating an average score, but rather to capture relevant content of an FTP site (Thomas column 7, lines 63-67). Claim 10 expressly recites that the decision interval (a number of documents) is used as a condition on whether to calculate an average score over such decision interval. The cited reference does not teach or suggest (i) the number of documents (the so-called decision interval) being used as a condition on whether or not to calculate an average, or (ii) calculating an average over such plurality of documents. Thus, Claim 10 is further shown to not be obvious in view of the cited references.

Applicants further traverse the rejection of Claim 11 for similar reasons to the further reasons given above with respect to Claim 3 (to thus establish that the cited Humes reference does not teach or suggest the claimed feature of "wherein the step of blocking access to the source comprises entering a known-block rule in a rules table, the known-block rule indicating that the source is to be blocked", as alleged by the Examiner). Thus, the rejection of Claim 11 under 35 USC 103 is further shown to be in error.

Applicants further traverse the rejection of Claim 12 for similar reasons to the further reasons given above with respect to Claim 4 (to thus establish that the cited Humes reference does not teach or suggest the claimed step of "entering a known-safe rule in a rules table if the first average score does not exceed the threshold, the known-safe rule indicating that access to the source is to be permitted", as alleged by the Examiner). Thus, the rejection of Claim 12 under 35 USC 103 is further shown to be in error.

Applicants further traverse the rejection of Claim 13 by showing that none of the cited references teach or suggest a conditional passing of a document to the client if a decision interval has not been reached. In rejecting Claim 13, the Examiner states that this is taught by Thomas column 8, lines 66-67 and column 9, lines 1-6. This passage is reproduced as follows:

> For any FTP site 114 where the password failed, it is passed over and the URL is removed from the preliminary set. If the site's server is not currently responding (i.e., "down" or "off-line"), too many users were already logged in, or otherwise unavailable for connection, the IPIS 106 application, before removing the URL corresponding to those sites from the preliminary set, implements a "re-try" timer and mechanism.

As can be seen, this cited passage merely describes a "re-try" mechanism for connection to a host and has nothing to do with *conditionally passing a document to a client* if a decision interval has not been reached, as expressly recited in Claim 13. Thus, Claim 13 is further shown to have been erroneously rejected by the Examiner under 35 USC 103.

Applicants traverse the rejection of Claim 20 (and dependent Claims 21-27) for similar reasons to those given above with respect to Claim 7.

Applicants further traverse the rejection of Claim 22 for further reasons given above with respect to Claim 9.

Applicants further traverse the rejection of Claim 23 for further reasons given above with respect to Claim 10.

Applicants further traverse the rejection of Claim 24 for further reasons given above with respect to Claim 11.

Applicants further traverse the rejection of Claim 25 for further reasons given above with respect to Claim 12.

Applicants further traverse the rejection of Claim 26 for further reasons given above with respect to Claim 13.

Applicants traverse the rejection of Claim 29 for similar reasons to those given above with respect to Claim 7.

Therefore, the rejection of Claims 6-14, 19-27 and 29 under 35 U.S.C. § 103 has been overcome.

IV. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 10/6/04

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